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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/029,073

12/20/2001

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04/06/2007

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EXAMINER

THEIN, MARIA TERESA T

ART UNIT

PAPER NUMBER

3627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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31 DAYS

04/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/029,073

Applicant(s)

ALMEIDA, JOHN

Examiner

Marissa Thein

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11-7-06; 12-12-06; 1-16-07.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 190-192; 194-195; 199-201; 233-269 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 191-192; 201; 233, 235; 240-248; 253-261; 263-264; 266; 268-269 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Claim 190 generic to the following disclosed patentably distinct species:

Species I: Claim 192 is directed to the virtual network comprising said second software element having virtual hosting means to virtually host said at least first content.

Species II: Claim 233 is directed to the virtual network comprising said first software element having virtual hosting means to virtually host said at least second content.

Species III: Claim 266 is directed to the virtual network comprising said fourth software element having virtual hosting means to virtually host said at least second content.

Species IV: Claim 201 is to the virtual network comprising said fifth software element having virtual hosting means to virtually host said at least third content hosted by said fourth software element and said at least first content hosted by said first software element.

Species V: Claim 265 is to the virtual network comprising said fifth software element having virtual hosting means to virtually host said at least third content hosted by said fourth software element and said at least second content hosted by said second software element.

The species are independent or distinct because they provide many different software elements that is doing the virtual hosting. Species I recites that the second software element has the virtual hosting means. Species II recites that the first software

element has the virtual hosting means. Species III recites that the fourth software element has the virtual hosting means. Species IV recites that the fifth software element has the virtual hosting means to virtually host said at least third content hosted by said fourth software element and said at least first content hosted by said first software element. Species V recites that the fifth software element has the virtual hosting means to virtually host said at least third content hosted by said fourth software element and said at least second content hosted by said second software element. The species appear to be mutually exclusive and therefore they encompass multiple embodiments.

Claim 190 generic to the following disclosed patentably distinct species:

Species I: Claim 191 is directed to the virtual network comprising said third software element uses said virtual hosting means and formats a content page, said formatted content page having at least a first portion of said at least first content hosted by said first software element and at least second portion of said at least second content hosted by said second software element.

Species II: Claim 263 is directed to the virtual network comprising said third software element uses said virtual hosting means and formats a content page, said formatted content page having at least one link of said at least first content hosted by said first software element and at least a portion of said at least second content hosted by said second software element.

Species III: Claim 264 is directed to the virtual network comprising said third software element uses said virtual hosting means and formats a content page, said formatted content page having at least one link of said at least second content hosted by said second software element and at least a portion of said at least second content hosted by said first software element.

The species are independent or distinct because they provide different formatted content page. Species I recites that the formatted content page having at least a first portion of said at least first content hosted by said first software element and at least second portion of said at least second content hosted by said second software element. Species II recites that the formatted content page having at least one link of said at least first content hosted by said first software element and at least a portion of said at least second content hosted by said second software element. Species III recites that the formatted content page having at least one link of said at least second content hosted by said second software element and at least a portion of said at least second content hosted by said first software element. The species appear to be mutually exclusive and therefore they encompass multiple embodiments.

Claim 190 generic to the following disclosed patentably distinct species:

Species I: Claims 235 is directed to the virtual network further comprising said first content hosted said first software element and second content hosted by said second software element each belonging to a single content category.

Species II: Claims 236 is directed to the virtual network further comprising said

first content hosted said first software element and second content hosted by said second software element each belonging to a distinct content category

The species are independent or distinct because the first content hosted said first software element and second content hosted by said second software element each belonging to different categories. Species I recites the belonging is to a single content category. Species II recites the belonging is to a distinct content category. The species appear to be mutually exclusive and therefore they encompass multiple embodiments.

Claim 239 generic to the following disclosed patentably distinct species:

Species I: Claims 240-242 is directed to the virtual network further comprising said at least first content hosted by said first software element having a relationship with said at least second content hosted by said second software element wherein said relationship is at least a partial match between said at least first word and said at least second word.

Species II: Claims 243-245 is directed to the virtual network further comprising said at least first content hosted by said first software element having a relationship with said at least second content hosted by said second software element wherein said relationship is at least a synonymous meaning between said at least first word and said at least second word.

Species III: Claim 246-248 is directed to the virtual network further comprising said at least first content hosted by said first software element having a relationship with said at least second content hosted by said second software

element wherein said relationship is a exactly match between said at least first word and said at least second word.

The species are independent or distinct because they have different relationship between the first word and the second word. Species I recites that the relationship is at least a partial match between said at least first word and said at least second word. Species II recites that the relationship is at least a synonymous meaning between said at least first word and said at least second word. Species III recites that the relationship is at least an exactly match between said at least first word and said at least second word. The species appear to be mutually exclusive and therefore they encompass multiple embodiments.

Claim 252 generic to the following disclosed patentably distinct species:

Species I: Claims 253-255 is directed to the virtual network further comprising said at least first content hosted by said first software element having a relationship with said at least second content hosted by said second software element wherein said relationship is at least a partial match between said at least first word and said at least second word.

Species II: Claims 256-258 is directed to the virtual network further comprising said at least first content hosted by said first software element having a relationship with said at least second content hosted by said second software

element wherein said relationship is at least an exactly match between said at least first word and said at least second word.

Species III: Claim 259-261 is directed to the virtual network further comprising said at least first content hosted by said first software element having a relationship with said at least second content hosted by said second software element wherein said relationship is a synonymous meaning between said at least first word and said at least second word.

The species are independent or distinct because they have different relationship between the first word and the second word. Species I recites that the relationship is at least a partial match between said at least first word and said at least second word. Species II recites that recites that the relationship is at least an exactly match between said at least first word and said at least second word. Species III recites that the relationship is at least a synonymous meaning between said at least first word and said at least second word. The species appear to be mutually exclusive and therefore they encompass multiple embodiments.

Claim 267 generic to the following disclosed patentably distinct species:

Species I: Claims 268 is directed to the virtual network further comprising said first software element having virtual hosting means.

Species II: Claims 269 is directed to the virtual network further comprising said second software element having virtual hosting means.

The species are independent or distinct because they have different virtual hosting means. Species I recites the first software element having virtual hosting means. Species II recites the second software element having virtual hosting means. The species appear to be mutually exclusive and therefore they encompass multiple embodiments.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot
April 1, 2007

Michael Cuff 4/2/07

**MICHAEL CUFF
PRIMARY EXAMINER**